

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF HEALTH

In the Matter of the License Application of
North Ambulance Aitkin, Aitkin, Minnesota

FINDINGS OF FACT,
CONCLUSIONS AND
RECOMMENDATION

The above-entitled matter came on for hearing before Administrative Law Judge Howard L. Kaibel Jr., commencing at 7:00 p.m. on January 16, 1996 at the Aitkin City Hall. The record closed on January 29, 1996, upon receipt of the last post-hearing filing.

Gary Pearson, Manager of the North Ambulance Brainerd Region, 210 NW Fifth Street, Brainerd, Minnesota 56401, appeared on behalf of the Applicant, North Ambulance Aitkin. No-one petitioned to intervene in the proceeding and there was no public testimony in opposition to the application. Several citizens testified in favor of granting the application.

NOTICE

Notice is hereby given that, pursuant to Minn. Stat. § 14.61 the final decision of the Commissioner of Health shall not be made until this Report has been made available to the parties to the proceeding for at least ten days, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Commissioner. Exceptions to this Report, if any, shall be filed with the Commissioner of Health, Ann M. Barry, 717 Delaware Street SE, Minneapolis, Minnesota 55440.

STATEMENT OF ISSUE

Should the license of North Ambulance Aitkin be upgraded to authorize it to provide Advanced Life Support ambulance services, pursuant to Minn. Stat. § 144.802, subd. 3 (g)?

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Applicant is currently providing Basic Life Support transportation services for patients in areas served by the Aitkin County Hospital -- Riverwood Health Care Center, its base of operations. It is owned by North Memorial Medical Center in Robbinsdale.

2. Applicant's patient charges are currently subsidized on a per run basis by Aitkin County taxpayers. There are no plans to increase this subsidy if the application is granted.

3. If the application is granted, patient charges will be reduced further under a joint personnel utilization contract between the Applicant and Riverwood, which will take advantage of the increased training involved.

4. Applicant is currently licensed at the BLS level with variances and training that already permit it to supply some more advanced life support services, including IV's, airways and defibrillation.

5. Applicant cooperates with the surrounding ambulance services and filed copies of mutual aid agreements it has established with each of them.

6. Prior to the hearing, Applicant met extensively with these adjacent services and has filed amendments to its description of its primary service area with the Commissioner of Health to eliminate all overlapping jurisdictions, including withdrawal from all areas in Crow Wing County.

7. Early provision of advanced levels of care at the scene of a call and during transport is particularly needed in Applicant's service area, because transportation routes are extraordinarily circuitous, winding around numerous lakes and rivers.

8. The resident population of roughly 11,000 citizens in this sparsely populated, largely recreational area swells seasonally to as many as 50,000 during the peak of the tourist and visitor season.

9. Needless dangerous delays and increased patient costs are currently regularly encountered when the hospital is required to call Brainerd ALS ambulances to transport patients who need advanced life support services to the Twin Cities.

10. Applicant estimates that it would provide a total of 420 runs during the next year, of which 250 would be basic runs, 140 would be advanced runs and 20 would be specialized advanced runs.

11. Patient charges are predicted in the application to average \$477 per BLS call and \$650 per ALS trip. In response to inquiries regarding these charges, the Applicant submitted a letter after the hearing indicating that the average actual patient charge in 1995 was \$453 and predicting that the average charge after approval would be \$539 without long distance transfers or \$561 with such transfers. The basic computations leading to these estimates was not disclosed and specific schedules illustrating what proportions would be attributable to mileage and other factors, were not provided.

12. Although specific comparative budget information was solicited which might have permitted more detailed analysis of the increased costs associated with the proposed upgrading of services, the data was not submitted.

13. The issue of whether the benefit accruing to the public health from approval of the application would outweigh the increased costs was specifically raised on the record in a fashion that would invite information and public comment. Everyone

addressing that question, including elected officials and local health care providers, answered it in the affirmative.

14. The application has been strongly and unanimously supported in numerous written submissions from interested local individuals, institutions and elected officials. It has also been endorsed by the Central Minnesota Regional Emergency Medical Services Council.

15. The Applicant has two vehicles staffed with 20 attendants and drivers. Eight of these employees are Minnesota certified Emergency Medical Technicians (EMTs), seven are intermediate EMTs and five are Minnesota paramedics.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. The Commissioner of Health and the Administrative Law Judge have jurisdiction in this matter pursuant to Minn. Stat. §§ 114.802 and 14.50. The Notice of hearing was proper in all respects and all procedural and substantive requirements of law and rule have been fulfilled.

2. There were no formal intervenors in this proceeding. Therefore, the only formal party is the Applicant, North Ambulance Aitkin.

3. The burden of proof in this matter is upon the Applicant to demonstrate by a preponderance of the evidence that the license should be granted. Minn. Rule Pt. 1400.7300, subp. 5.

4. The statutory standard applicable to this proceeding is that set forth in Minn. Stat. § 144.802, subd. 3(g), which provides in pertinent part:

The administrative law judge shall review and comment upon the application and shall make written recommendations as to its disposition to the commissioner within 90 days of receiving notice of the application. In making the recommendations, the administrative law judge shall consider and make written comments as to whether the proposed service . . . is needed, based on consideration of the following factors.

- (1) The relationship of the proposed service . . . to the current community health plan as approved by the commissioner . . .;
- (2) The recommendations or comments of the governing bodies of the counties and municipalities in which the service would be provided;
- (3) The deleterious effects on the public health from duplication, if any, of ambulance services that would result from granting the license;

- (4) The estimated effect of the proposed service . . . on the public health; [and]
- (5) Whether any benefit accruing to the public health would outweigh the cost associated with the proposed service . . .

5. Upon due consideration of all the factors enumerated in the above-quoted statutory provision, the Applicant has satisfied the statutory criteria.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED: that the Commissioner of Health GRANT North Ambulance Aitkin an advanced life support ambulance service license.

Dated this 6th day of March 1996.

HOWARD L. KAIBEL, JR.
Administrative Law Judge

Reported: Taped, not transcribed.

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

HLK